DETERMINING THE FUTURE OF YOUR MEDICAL CARE IS YOUR RIGHT

YOU CAN DECIDE TODAY THE CARE YOU WILL RECEIVE IN THE FUTURE

While advances in medicine and medical technology can save many lives that only fifty years ago might have been lost, the issue of quality at the end of life has come under intense judicial and public scrutiny. In the State of Illinois, it is your legal right at all times to determine the degree and kind of care you wish to receive. This includes your right to refuse medical care and treatment.

Advance medical directives are documents written in advance of serious illness which explain your choices regarding future medical treatment if you become incompetent or incapacitated. By completing an advance directive today, you can decide whether you would want certain life-sustaining procedures if they would only prolong the process of dying and do no more than delay the moment of your death.

HOW TO INDICATE YOUR DECISIONS

In Illinois, two advance directives are available for your use in directing your medical care when you are incapable of making your own decisions: the durable power of attorney for health care and the living will. You can use either or both of these documents. The choice is your own and you can change your mind at any time by revoking these documents.

Decisions about the quality of life (life supports systems, aggressive resuscitation efforts, and hydration/nutrition of a comatose patient) are all serious, personal decisions each of us must arrive at privately. Neither the law nor any person can require you to make such a decision against your will. If you wish to exercise your right to determine the care you receive if you become incurably injured or ill, this handout will help you make an informed decision.

DURABLE POWER OF ATTORNEY FOR HEALTH CARE

In the State of Illinois, the best way to assure that your instructions about your health care are followed is through the use of a durable power of attorney for health care.

Using this document, you can designate someone else, called an agent or surrogate, to make decisions about your health care in the event you are unable to do so yourself. This person can, by law, be anyone you choose over the age of 18, with the exception of the physician providing your care. This person will have the legal right and responsibility to make all decisions about your health care, including the initiation and termination of life support systems. Under Illinois law, the agent you select will have final decision-making authority, even more than a court-appointed guardian. However, a court may step in when it is shown that your agent is not acting for your benefit in accordance with the terms of the power-of-attorney.

Most people select a member of their family or a close friend to act as their surrogate in these situations. Whoever you choose, you should discuss your wishes with them. You may designate several surrogates, in case your first choice is unavailable or unwilling to serve. Should you

change your mind, you can revoke the power of attorney at any time, orally or in writing. However, modifications to the document may only be made in writing.

THE LIVING WILL

The living will does not appoint another person to make health care decisions, but instead declares your intent that the people taking care of you do not delay your death, if it is imminent, with lifesaving measures. It allows you to control you health care even if you cannot communicate with the people caring for you.

In order to make a living will, you must be capable of making your decision and be at least 18 years of age. A living will properly made, however, **does not** become effective until you have a terminal condition. A terminal condition is defined under the Illinois Will Act as "an incurable and irreversible condition which is such that death is imminent and the application of death delaying procedures serve only to prolong the dying process."

Once you have a terminal condition, the living will says that no "death delaying procedure" should be used. Such procedures are those which "serve only to postpone the moment of death." Procedures to ease pain and the withdrawal of artificial food and water, if death would result from the withdrawal and not from the existing terminal condition, are not considered "death delaying procedures." However, if you are pregnant and the death delaying procedures would allow your baby to develop to the point of live birth, the living will cannot take effect.

As the patient, you, have the responsibility to inform your physician of the existence of a living will. If your physician does not wish to comply with provisions of the will, they must tell you of this conflict and arrange for your transfer to another physician. You, of course, may revoke the living will at any time by destroying it, or by otherwise indicating orally or in writing that you wish to revoke the will.

If you have both a living will and a durable power of attorney for health care, the living will does not take effect unless the agent is not available.

IN THE ABSENCE OF ADVANCE DIRECTIVES

This handout describes some of the ways you can insure that your medical treatment will be handled according to your wishes even if you are no longer able to communicate your desires. If you have not executed an advance directive, decisions regarding your health care will have to be made by someone else (who might not be the person you would have chosen) and may place additional burdens on your family or physician. If you suffer from a terminal condition, permanent unconsciousness or an incurable or irreversible condition, and lack the ability to make decisions, a health care surrogate may be chosen to make life sustaining decisions for you. The surrogate who would act in such a case would be (in order of priority): your legal guardian, spouse, any adult children, either parent, any adult brother or sister, any adult grandchildren, a close friend, or guardian of the estate. Under other circumstances, legal action may be required to have decisions made on your behalf.

LEGAL ASPECTS OF ADVANCE DIRECTIVES

Neither this hospital nor your physician may require you to execute an advance directive as a condition for receiving treatment in this hospital.

The fact that you have executed an advance directive does not change any provision in any insurance policy you may have.

FORMING ADVANCE DIRECTIVES

We hope you will give thoughtful consideration to forming advance directives. If you do decide to execute an advance directive, we urge you to take the following actions:

a. Make your wishes regarding advance directives known to your family members or others who may be called upon to make decisions for you if you are unable to do so. Provide copies of your advance directives to any person who may be called upon to act for you.

b. Provide copies of your advance directives to all medical records departments maintaining your medical records; ask that the documents be filed in your record.

c. Bring your original advance directive documents with you any time you are to be admitted to the hospital. Inform the admitting clerk, your nurse, and physician that you have these documents.

For your convenience, the statutory Illinois Durable Power of Attorney for Health Care and Living Will are attached. Neither of these documents require the services of a notary public for execution.

Provided you have questions regarding advance directives after reading this handout, a legal assistance appointment can be made with the base legal office by calling 256-2358. Patients already admitted to the 375th Medical Group can contact the Medical Law Consultant at 256-7389 for assistance.